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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,770	03/24/2004	Harold W. Steele	HSD01 P100A	2769

28101 7590 01/13/2006

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EXAMINER

LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/708,770	Applicant(s) STEELE ET AL.	
	Examiner Emmanuel S. Luk	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/04; 3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Takao (JP407032370A).

Takao teaches the ejector assembly with stationary members (11b,13), ejector plate (16), core blade lifter (18a) having a lifter rod (18) and stationary helper pin (25) parallel to the lifter rod and the helper pin anchored (27, 31) to the first and secondary stationary members, the rod carrier (23) for pivotally mounting the lifter rod to the lifter foot assembly.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takao (JP407032370A) in view of Boskovic (581357).

Takao teaches the ejector assembly with stationary members (11b,13), ejector plate (16), core blade lifter (18a) having a lifter rod (18) and stationary helper pin (25) parallel to the lifter rod and the helper pin anchored (27, 31) to the first and secondary stationary members, the rod carrier (23) for pivotally mounting the lifter rod to the lifter foot assembly.

Takao fails to teach the adjusting extension.

Boskovic teaches a lifter rod (26), having an adjusting extension (52) and socket (58) that allows for changes in angle.

In regards to the angle, Takao teaches the rods being at an angle to the ejector plate and it is within one of ordinary skill in the art to have the desired angle for ejecting of the article via adjustment of the rod. In addition, Boskovic has a carrier that allows for variation in the angle between the rod and the ejector plate.

It would have been obvious to one of ordinary skill in the art to modify Takao with the adjusting extension and variation of angle as taught by Boskovic to improve the coupling between the lifter rod to the ejector plate.

6. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takao (JP407032370A) in view of Boskovic (581357) and .

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Takao teaches the ejector assembly with stationary members (11b,13), ejector plate (16), core blade lifter (18a) having a lifter rod (18) and stationary helper pin (25) parallel to the lifter rod and the helper pin anchored (27, 31) to the first and secondary stationary members, the rod carrier (23) for pivotally mounting the lifter rod to the lifter foot assembly.

Takao fails to specifically teach the gibb plate and adjusting extension.

Takao does teach the rod carrier (23), the rod carrier (23) can be recognized as acting as gibb plates in holding the lifter rod to the ejector carrier and can act as a wear plate. It would have been obvious for one of ordinary skill in the art to modify Takao to have separate wear plates comprising of the rod carrier, thereby allowing more than one part from the single piece so that the parts can be replaced after operation depending upon the wear of the individual pieces.

Boskovic teaches a lifter rod (26), having an adjusting extension (52) and socket (58) that allows for changes in angle.

In regards to the angle, Takao teaches the rods being at an angle to the ejector plate and it is within one of ordinary skill in the art to have the desired angle for ejecting of the article via adjustment of the rod. In addition, Boskovic has a carrier that allows for variation in the angle between the rod and the ejector plate.

It would have been obvious to one of ordinary skill in the art to modify Takao with the adjusting extension and variation of angle as taught by Boskovic to improve the coupling between the lifter rod to the ejector plate.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Park (6039558), Ramsey (5281127), Sudo (4854849), Lovejoy (3905740).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Davis can be reached on (571) 272-1129. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL

DUANE SMITH
PRIMARY EXAMINER

D-S
1-9-05